

FILED
JOHN P. HERMAN
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2014 JAN 30 PM 2:16

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA

VS.

:

NO.

2:14-cr-21

18 U.S.C. § 1344

18 U.S.C. § 982(a)(2)(A)

18 U.S.C. § 1028A(a)(1)

ALLEN J. PENDERGRASS

INDICTMENT

JUDG E GRAHAM

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

1. The defendant, **ALLEN J. PENDERGRASS** was listed as owner and president of Guishard, Wilburn, & Shorts, LLC, during 2012.

2. Guishard, Wilburn, & Shorts, LLC, was a company that was set up to collect unclaimed funds from various government entities.

3. During 2012 the defendant, **ALLEN J. PENDERGRASS**, was the signator on a Huntington National Bank account #XXXXXXX3672 opened in the name Guishard, Wilburn, & Shorts, LLC.

SCHEME TO DEFRAUD

4. From on or about February 10, 2012, and continuing thereafter until on or about October 1, 2012, in the Southern District of Ohio, and elsewhere, the defendant, **ALLEN J. PENDERGRASS**, willfully and knowingly devised and intended to devise a scheme and artifice to defraud a federally insured financial institution, that is Huntington National Bank, with the

intent to obtain money, funds, credits, assets, securities or other property owned by, or under the control of such institution, by means of false and fraudulent pretenses, representations, and promises.

5. It was part of the scheme and artifice to defraud that the defendant, **ALLEN J. PENDERGRASS**, would and did receive United States Treasury checks that had been stolen from the United States mail in the state of Georgia.

6. It was part of the scheme and artifice to defraud that the defendant, **ALLEN J. PENDERGRASS**, would and did cause to be deposited 51 of United States Treasury checks that had been stolen from the United States mail into the Huntington National Bank account #XXXXXXXX3672 opened in the name Guishard, Wilburn, & Shorts, LLC.

7. It was further part of this scheme that the defendant, **ALLEN J. PENDERGRASS**, would and did recruit other individuals to deposit the stolen checks into his account at the Huntington National Bank.

8. It was further part of this scheme that the defendant, **ALLEN J. PENDERGRASS**, on September 5, 2012, produced false documents to the Huntington National Bank regarding the deposit of stolen United States Treasury check in the amount of \$194,769.00.

9. It was further part of this scheme that the defendant, **ALLEN J. PENDERGRASS**, between March 16, 2012 and September 12, 2012, accessed his account at TransUnion to retrieve personal identifiers of the payees listed on the stolen United States Treasury checks.

10. It was further part of this scheme that the defendant, **ALLEN J. PENDERGRASS**, between February 7, 2012 and August 7, 2012, caused the withdrawal of

\$500,943.20 from the Huntington National Bank account #XXXXXXX3672 opened in the name Guishard, Wilburn, & Shorts, LLC.

11. In furtherance of the aforesaid scheme and artifice to defraud for the purpose of obtaining money and property by means of false and fraudulent pretenses, representations and promises, on or about each date listed in each count below, Defendant **ALLEN G.**

PENDERGRASS, knowingly executed and attempted to execute a scheme to defraud Huntington National Bank, a federally insured financial institution, with the intent to obtain money, funds, credits, assets, securities, or other property owned by, or under the custody or control of Huntington National Bank in the amount listed for each count, respectively, by means of false and fraudulent pretenses and representations relative to the deposit of each stolen U.S. Treasury Department check.

Counts One – Fifty-One	Description
Count One	On or about February 10, 2012, a stolen U.S. Treasury check in the amount of \$3,128.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Two	On or about February 16, 2012, a stolen U.S. Treasury check in the amount of \$14,645.71 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Three	On or about March 19, 2012, a stolen U.S. Treasury check in the amount of \$3,254.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.

Count Four	On or about March 19, 2012, a stolen U.S. Treasury check in the amount of \$4,895.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Five	On or about March 19, 2012, a stolen U.S. Treasury check in the amount of \$7,468.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Six	On or about April 5, 2012, a stolen U.S. Treasury check in the amount of \$2,533.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Seven	On or about April 5, 2012, a stolen U.S. Treasury check in the amount of \$2,804.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Eight	On or about April 5, 2012, a stolen U.S. Treasury check in the amount of \$2,498.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Nine	On or about April 5, 2012, a stolen U.S. Treasury check in the amount of \$2,584.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Ten	On or about April 5, 2012, a stolen U.S. Treasury check in the amount of \$2,829.00

	was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Eleven	On or about April 5, 2012, a stolen U.S. Treasury check in the amount of \$2,365.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twelve	On or about April 5, 2012, a stolen U.S. Treasury check in the amount of \$2,461.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirteen	On or about April 19, 2012, a stolen U.S. Treasury check in the amount of \$2,340.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Fourteen	On or about April 19, 2012, a stolen U.S. Treasury check in the amount of \$2,355.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Fifteen	On or about April 19, 2012, a stolen U.S. Treasury check in the amount of \$5,908.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.

Count Sixteen	On or about April 19, 2012, a stolen U.S. Treasury check in the amount of \$4,178.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Seventeen	On or about May 2, 2012, a stolen U.S. Treasury check in the amount of \$5,793.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Eighteen	On or about May 2, 2012, a stolen U.S. Treasury check in the amount of \$5,645.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Nineteen	On or about May 11, 2012, a stolen U.S. Treasury check in the amount of \$19,887.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twenty	On or about May 18, 2012, a stolen U.S. Treasury check in the amount of \$15,721.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twenty-One	On or about May 18, 2012, a stolen U.S. Treasury check in the amount of \$1,035.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.

Count Twenty-Two	On or about May 18, 2012, a stolen U.S. Treasury check in the amount of \$789.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twenty-Three	On or about May 18, 2012, a stolen U.S. Treasury check in the amount of \$787.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twenty-Four	On or about May 24, 2012, a stolen U.S. Treasury check in the amount of \$11,018.89 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twenty-Five	On or about May 24, 2012, a stolen U.S. Treasury check in the amount of \$10,488.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twenty-Six	On or about May 24, 2012, a stolen U.S. Treasury check in the amount of \$10,560.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twenty-Seven	On or about May 24, 2012, a stolen U.S. Treasury check in the amount of \$10,321.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.

Count Twenty-Eight	On or about May 24, 2012, a stolen U.S. Treasury check in the amount of \$12,174.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Twenty-Nine	On or about May 24, 2012, a stolen U.S. Treasury check in the amount of \$8,975.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty	On or about May 24, 2012, a stolen U.S. Treasury check in the amount of \$10,644.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty-One	On or about May 31, 2012, a stolen U.S. Treasury check in the amount of \$38,526.88 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty-Two	On or about June, 7, 2012, a stolen U.S. Treasury check in the amount of \$16,106.66 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty-Three	On or about June 7, 2012, a stolen U.S. Treasury check in the amount of \$24,107.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.

Count Thirty-Four	On or about June 7, 2012, a stolen U.S. Treasury check in the amount of \$35,103.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty-Five	On or about June 14, 2012, a stolen U.S. Treasury check in the amount of \$16,951.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty-Six	On or about June 14, 2012, a stolen U.S. Treasury check in the amount of \$16,293.94 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty-Seven	On or about June 14, 2012, a stolen U.S. Treasury check in the amount of \$13,499.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty-Eight	On or about June 14, 2012, a stolen U.S. Treasury check in the amount of \$7,988.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Thirty-Nine	On or about June 14, 2012, a stolen U.S. Treasury check in the amount of \$8,200.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.

Count Forty	On or about June 29, 2012, a stolen U.S. Treasury check in the amount of \$26,836.33 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Forty-One	On or about June 29, 2012, a stolen U.S. Treasury check in the amount of \$13,418.16 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Forty-Two	On or about June 29, 2012, a stolen U.S. Treasury check in the amount of \$13,153.01 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Forty-Three	On or about July 12, 2012, a stolen U.S. Treasury check in the amount of \$20,574.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Forty-Four	On or about July 12, 2012, a stolen U.S. Treasury check in the amount of \$24,217.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Forty-Five	On or about July 12, 2012, a stolen U.S. Treasury check in the amount of \$29,742.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.

Count Forty-Six	On or about July 12, 2012, a stolen U.S. Treasury check in the amount of \$12,000.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Forty-Seven	On or about July 12, 2012, a stolen U.S. Treasury check in the amount of \$17,000.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Forty-Eight	On or about July 27, 2012, a stolen U.S. Treasury check in the amount of \$194,769.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Forty-Nine	On or about August 29, 2012, a stolen U.S. Treasury check in the amount of \$35,100.23 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Fifty	On or about August 29, 2012, a stolen U.S. Treasury check in the amount of \$3,735.37 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.
Count Fifty-One	On or about August 29, 2012, a stolen U.S. Treasury check in the amount of \$48,954.00 was deposited in the account of Guishard, Wilburn, and Shorts, LLC, at Huntington National Bank, Columbus, Ohio.

Each in violation of 18 U.S.C. § 1344.

COUNT 52
(Aggravated Identity Theft)

On or about September 5, 2012, in the Southern District of Ohio, the defendant, **ALLEN J. PENDERGRASS**, in the Southern District of Ohio, during and in relation to a felony violation, that is, knowingly executing and attempting to execute a scheme and artifice to defraud a financial institution with deposits insured by the Federal Deposit Insurance Corporation, and with the specific intent of obtaining money, funds, credits, assets, securities or other property by means of false and fraudulent pretenses and representations, in violation of Title 18 United States Code, Section 1344, the defendant, **ALLEN J. PENDERGRASS**, knowingly transferred, possessed, or used, without lawful authority, a means of identification of another person, to wit, the name and social security number of M.H. in order to obtain money from Huntington National Bank.

In violation of Title 18, United States Code, Section 1028A(a)(1).

FORFEITURE ALLEGATION

1. The allegations of Counts 1-51 are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. Upon conviction of the offenses in Counts 1-51 of the Indictment, the defendant, **ALLEN J. PENDERGRASS**, shall forfeit to the United States under 18 U.S.C. § 981(a)(2)(A) any property constituting or derived from proceeds obtained directly or indirectly as result of such violations, including but not limited to a sum of money equal to \$500,943.20 in United States currency which represents the offense of bank fraud as outlined in Counts 1-51 of the Indictment in the form of a forfeiture money judgment.

Substitute Assets

3. If any of the above-described forfeitable property in the Forfeiture Count, as a result of any act or omission of the defendant, **ALLEN J. PENDERGRASS**,

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without

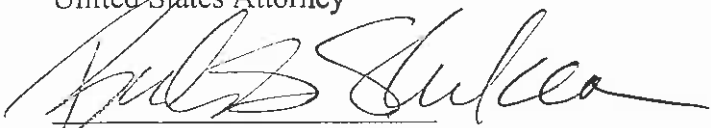
difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above, that is \$500,943.20.

In violation of 18 U.S.C. § 982(a)(2)(A).

A TRUE BILL.

/s/_____
FOREPERSON

CARTER M. STEWART
United States Attorney


BRENDA S. SHOEMAKER
Financial Crimes Section Chief
Assistant United States Attorney